

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FARHAD SHAHROKHI §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. _____
§ (JURY TRIAL)
**THE UNIVERSITY OF NORTH
TEXAS** §
§
Defendant. §

PLAINTIFF'S COMPLAINT AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff FARHAD SHAHROKHI ("Dr. Shahrokhi" or "Plaintiff"), complaining of Defendant, THE UNIVERSITY OF NORTH TEXAS ("UNT" or "Defendant"), and for cause of action shows the Court as follows:

I. NATURE OF CLAIM

1. This is an action for discrimination based on national origin under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (hereinafter "Title VII"); discrimination based on age under the Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 (hereinafter "ADEA"); retaliation for filing complaints to discriminatory actions; for intentional/negligent infliction of emotional distress, for negligent supervision under the tort law of the State of Texas, and for breach of an employment contract under the laws of the State of Texas.

II. JURISDICTION

2. There is federal jurisdiction under 28 U.S.C. § 1333, 42 U.S.C. § 2000e-5(f)(3) and

the doctrine of pendent jurisdiction.

3. This action also arises under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 *et. seq.* and the law of the State of Texas.

4. Jurisdiction over the federal issues are invoked pursuant to 29 U.S.C. § 621 *et. seq.* and over the state law claims pursuant to the doctrine of pendent jurisdiction.

5. Declaratory, injunctive, and equitable relief is sought pursuant to 29 U.S.C. § 621 *et. seq.* and the pendent claims.

6. Compensatory and punitive damages are sought pursuant to 29 U.S.C. §§ 216 and 217 and the pendent claims.

7. Costs and attorney's fees may be awarded pursuant to 29 U.S.C. § 621 *et. seq.* and Fed. R. Civ. P. 54.

III. VENUE

8. This action properly lies in the Eastern District of Texas pursuant to 29 U.S.C. § 621 *et. seq.*, because the unlawful employment practices were committed in this judicial district.

IV. PARTIES

9. Plaintiff, Dr. Shahrokhi is an Iranian national and was born on June 13, 1953 in Tehran, Iran and raised there. Plaintiff currently resides in Denton County, Texas, United States. Plaintiff is 65 years of age.

10. Defendant, The University of North Texas, is a state educational institution, and is the employer of Plaintiff in Denton County, Texas. Defendant is, and at all times hereinafter mentioned was, an employer engaged in interstate commerce and employing more than twenty (20) persons within the meaning of 42 U.S.C. §2000e (b). Plaintiff is

employed by Defendant in Denton, Texas. Service upon Defendant may be had by serving the Attorney General of Texas and Nancy F. Footer, Vice Chancellor and General Counsel of the University of North Texas System, in accordance with the Texas Education Code §105.151 (e).

V. FACTS

11. Dr. Shahrokhi, a 65 year old Male Iranian is an employee of UNT, and has been for approximately 30 years. Plaintiff is a tenured Professor in the Department of Computer Science and Engineering at UNT.

12. Defendant UNT is an employer engaged in industry affecting commerce and employing over 20 employees within the meaning of 42 U.S.C. § 2000e(b).

13. Plaintiff has experienced ongoing discrimination and disparate treatment by Defendant including but not limited to unequal pay, unfair workload and teaching assignment, and inadequate workspace.

14. Plaintiff timely filed a charge with the Equal Employment Opportunity Commission (EEOC), alleging discrimination based upon his national origin (Iranian) and age, and retaliation. Plaintiff has received a notice of right to sue from the EEOC and Department of Justice and has timely filed this lawsuit in this Court. The right to sue notice was dated March 13, 2019 and was received on or about March 18, 2019.

15. Plaintiff has been the subject of what is a continuing and orchestrated attack by certain co-workers and supervisors, particularly, since 2016. The primary persons responsible for this attack is believed to be Department Chair Dr. Barrett Bryant, Former Interim Department Chair Dr. Ian Parberry, and Former Dean Dr. Costas Tsatsoulis.

16. Plaintiff has previously complained to UNT's administration about this ongoing

discrimination and disparate treatment including unequal pay, unfair workload and teaching assignment, and inadequate workspace.

17. Plaintiff's complaints have resulted in retaliation.
18. Plaintiff has, repeatedly from 2016 to present, been falsely accused of bad behavior and in each instance been cleared.
19. Plaintiff's job performance and health are being affected by the continuing harassment which is either being ignored or condoned by UNT.

VI. CAUSES OF ACTION

COUNT I – Discrimination Based on National Origin

20. The allegations in Paragraphs 1-19 inclusive are herein incorporated by reference.
21. Plaintiff alleges that he suffered and continues to suffer harassment by both co-workers and supervisors based on his national origin. Plaintiff's personal attempts to end that national origin harassment were and continue to be unsuccessful.
22. Plaintiff further maintains that Defendant has a pattern and practice of harassing workers and that Defendant harassed him according to this pattern and practice due to his national origin.
23. The harassment caused Plaintiff extreme emotional distress.
24. This harassment and national origin discrimination which violates rights guaranteed to the Plaintiff under Title VII of the Civil Rights Act of 1964 was done with malice and reckless disregard for Plaintiff's protected rights.
25. Further, Defendant has retaliated and continues to retaliate against Plaintiff by taking adverse employment actions against Plaintiff in response to Plaintiff's attempt to address the underlying discriminatory actions with Defendant. Such retaliation is in

violation of Title VII of the Civil Rights Act of 1964.

COUNT II – Discrimination Based on Age

As a further and separate cause of action, Plaintiff states:

26. The allegations in Paragraphs 1-25 inclusive are herein incorporated by reference.
27. By providing unequal pay, unfair workload and teaching assignment, and inadequate workspace and by harassing and retaliating against him on account of his age and his opposition to age discrimination, Defendant has violated 29 U.S.C. § 621 *et. seq.*

COUNT III – Intentional/Negligent Infliction of Emotional Distress

As a further and separate cause of action, Plaintiff states:

28. The allegations in Paragraphs 1-27 inclusive are herein incorporated by reference.
29. By engaging in an effort to force Plaintiff to resign and harassing him, Defendant has intentionally or, in the alternative, negligently inflicted emotional distress on Plaintiff.

COUNT IV – Negligent Supervision

As a further and separate cause of action, Plaintiff states:

30. The allegations in Paragraphs 1-29 inclusive are herein incorporated by reference.
31. Plaintiff states that the ongoing national origin and age harassment is causing him extreme emotional distress, and that although his immediate supervisors are aware of the distress and his susceptibility to it, they not only have failed to stop the harassment, but are in large measure responsible for it. Plaintiff further states that UNT administration with authority over the supervisors, has failed to adequately supervise Plaintiff's supervisors and end the harassment.
32. Plaintiff states that this failure on the part of the supervisors and UNT administration is actionable as negligent supervision under the tort law of the State of

Texas.

COUNT V – Breach of Contract

As a further and separate cause of action, Plaintiff states:

33. The allegations in Paragraphs 1-32 inclusive are herein incorporated by reference.
34. By failing to follow its own personnel policies and procedures on evaluating and providing equal employment opportunity to its employees and by allowing harassment and disparate treatment in the workplace, Defendant has breached their contractual obligations to Plaintiff.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Farhad Shahrokh prays that this Court:

- (a) declare Defendant The University of North Texas' conduct to be in violation of Plaintiff's rights;
- (b) enjoin Defendant The University of North Texas from engaging in such conduct;
- (c) award Plaintiff back pay, prejudgment interest, and lost fringe benefits resulting from Defendant's discriminatory conduct;
- (d) award Plaintiff loss of future earnings and future lost benefits;
- (e) award Plaintiff compensatory damages for emotional distress, mental anguish, and humiliation;
- (f) award Plaintiff punitive damages;
- (g) award Plaintiff liquidated damages in an amount equal to the back-pay assessment pursuant to 29 U.S.C. § 621(b) incorporating 29 U.S.C. § 216 of the Fair Labor Standards Act.
- (h) award Plaintiff costs, expert witness fees, and attorney's fees pursuant to 29 U.S.C. § 621 *et. seq.*
- (i) grant such other relief as it may deem just and proper.

VIII. JURY DEMAND

Plaintiff demands a jury to try all claims triable by a jury.

Respectfully submitted,

**ROBERTS, CUNNINGHAM &
STRIPLING, L.L.P.**

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